

Title 22. HEALTH PLANNING AND FACILITY CONSTRUCTION
Chapter 17. Licensed Mental Health Service Provider Education Program

NOTICE OF PROPOSED RULEMAKING

The Office of Statewide Health Planning and Development ("Office") proposes to adopt regulations to establish the statewide Licensed Mental Health Service Provider Education Program that is created in Health and Safety Code section 128454. The Office will consider all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

NOTICE is hereby given that no public hearing is scheduled. Any interested person may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for a public hearing must be received in writing by the OSHPD contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Office. The written comment period closes at 5:00 P.M. on August 14, 2007. The Office will only consider comments received at the Office by that time. Submit comments to:

Julie Montoya
Interim Regulation and Legislative Analyst
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Health and Safety Code sections 127010 and 127015 authorize the Office to adopt regulations. The purpose of the proposed regulations is to implement, interpret, or make specific sections 128454 through 128458 of the Health and Safety Code.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

AB 938 (Yee, Chapter 437, Statutes of 2003) created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation (Foundation) in an effort to increase the number of culturally and linguistically competent mental health workers serving in underserved areas. Providing loan repayment to mental health professionals provides incentive for them to practice in underserved areas. Furthermore, historically, health professionals that have worked in underserved areas are more likely to continue working in underserved areas. AB 938 requires the Foundation to develop the Licensed Mental Health Service Provider Education Program, as prescribed, to provide grants to licensed mental health service providers, specifically, psychologists, marriage and family therapists, and licensed clinical workers, who provide direct patient care in a publicly funded facility or a mental health professional shortage area; and increases the biennial licensure renewal fee of mental health providers to the Board of Psychology and the Board of Behavioral Sciences by \$10 to support this program.

AB 1852 (Yee, Chapter 557, Statutes of 2006), expanded the definition of a Licensed Mental Health Service Provider to include postdoctoral psychological assistants, postdoctoral psychology trainees, marriage and family therapist interns, and associate clinical social workers and expanded qualifying facilities to include, a public or nonprofit private mental health facility and a publicly funded mental health facility.

The Office proposes to adopt a new Chapter 17, which will be comprised of Sections 97930-97930.10, in Title 22 of the California Code of Regulations. The purpose of the regulations is to establish the provisions to administer the statewide Licensed Mental Health Service Provider Education Program as mandated in AB 938 and AB 1852.

Section 97930 Chapter Definitions will define terms used in new chapter 17 of Title 22 of the CCR for this program. The Office is proposing eleven (11) definitions.

Section 97930.1 Available Funding will specify that loan repayments shall be limited by the amount of funds in the Mental Health Practitioner Education Fund.

Section 97930.2 Loan Repayment Eligibility will specify that licensed psychologists, registered psychologists, postdoctoral psychological assistants, postdoctoral psychology trainees, marriage and family therapists, marriage and family therapist interns, clinical social workers, and associate clinical social worker may apply for a loan repayment. This section also specifies that applicants with a contractual service obligation to another entity are ineligible to receive a loan repayment.

Section 97930.3 Loan Repayment Awards will specify that the loan repayment shall repay outstanding governmental and commercial educational loans related to the recipient's education as a licensed mental health service provider. This section also specifies that the loan repayment award shall not exceed the estimated annual average cost of the respective mental health education program throughout California, or the total amount of debt owed.

Section 97930.4 Loan Repayment Contracts will specify that one (1) loan repayment at a time shall be issued to the recipient and additional awards may be granted if certain conditions are met.

Section 97930.5 Terms of Loan Repayment specifies that loan repayments shall be made on a quarterly basis and a quarterly report and updated lender statement must be provided before loan repayment funds are released. This section also specifies that, should outstanding loan(s) be repaid by the Office and funds remain in the recipient's contract, those funds shall be disbursed directly to the program recipient. This section also requires the recipient to make concurrent loan repayments.

Section 97930.6 Loan Application Process will specify that a completed application shall contain specific information.

Section 97930.7 Selection Process will specify that the Foundation shall consider the mental health workforce needs of the state, needs of qualified facilities and mental health professional shortage areas, and factors that indicate the probability of continuing service beyond the contractual service obligation. This section also indicates the factors used to evaluate the applicants.

Section 97930.8 Service Obligation Provisions for Loan Repayment Recipient will specify that the loan repayment recipient shall agree to a contractual service obligation to practice their mental health profession for twenty four (24) months in or through a qualified facility or in a mental health professional shortage area. The section specifies that the service obligation shall commence upon the signing of the contract between the Office and recipient, and shall be fulfilled in a full-time basis.

Section 97930.9 Penalties for Failure to Comply with Requirements of Program shall specify that failure to meet program requirements shall result in repayment of the loan repayment award plus interest.

Section 97930.10 Exceptions to Service or Payment Obligations shall specify that exceptions to service or payment obligations shall be made under certain circumstances.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Office has made the following determinations:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: Additional expenditures of \$213,000 have been allocated in the Governor's FY 2006-07 Budget.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 to 17630: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None. This program will provide loan repayment to Licensed Mental Health Providers, which should not adversely impact businesses in the state, including small businesses.
- Cost impacts on a representative private person or businesses: This program will provide loan repayment to Licensed Mental Health Providers, and the Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, including small businesses.
- Adoption of these regulations will not do any of the following: (1) Create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None

CONSIDERATION OF ALTERNATIVES

The Office must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Office invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Julie Montoya
Interim Regulation and Legislative Analyst
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814
(916) 654-2990

The backup contact person for these inquiries is:

Karen Isenhower
Program Director
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814
(916) 324-0326

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The Office shall have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Public Notice, the proposed text of regulations, the Initial Statement of Reasons, and materials upon which the Office relied in developing the regulations. Copies may be obtained by contacting Julie Montoya at the address and telephone number noted above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the written comment period and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this notice. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen

(15) days before the Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Julie Montoya at the address indicated above. The Office will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Public Notice, the Initial Statement of Reasons, and the text of regulations in underline and strikeout format may be accessed through our websites at www.oshpd.ca.gov and www.healthprofessions.ca.gov.